

## REMARKS/ARGUMENTS

Claims 1-30 are pending in the present application. Claims 1, 3, 4, 18-20, and 30 have been amended. Support for amendment of claims 3 and 19 can be found at least on page 9, lines 1-3 of the specification. Support for amendment of claims 4 and 20 can be found at least on page 10, lines 3-30 of the specification. Reconsideration of the claims is respectfully requested.

### **I. Examiner Interview**

Applicants thank Examiner Nguyen for the courtesies extended to Applicants' representative during the telephone interview of December 19, 2007. During the interview, suggestions to amend claim 30 to overcome the 35 U.S.C. § 101 rejection were discussed. Examiner Nguyen indicated that the proposed amendment to claim 30 would overcome the 35 U.S.C. § 101 rejection. Additionally, amendments to claim 1 to overcome the 35 U.S.C. § 102 rejection were discussed. Finally, differences between the present invention and the cited art were discussed in regards to the 35 U.S.C. § 103 rejection. The substance of the interview is summarized in the remarks of sections that follow.

### **II. 35 U.S.C. § 101**

The Examiner has rejected claim 30 under 35 U.S.C. § 101 as being directed towards non-statutory subject matter. This rejection is respectfully traversed.

The Examiner states:

As to claim 30, "A computer program product on a computer-readable medium, the computer program product comprising: ..." appears to be nonstatutory because in view of Applicant's disclosure, page 16, lines 3-9 provides intrinsic evidence that the **computer readable media** of claim 30 is intended to cover embodiments where the media is the transmission-type media including "digital and analog communication links, wired or wireless communications links using transmission forms, such as, for example, radio frequency and light wave transmissions." Since the signal itself is a form of energy rather than a machine, manufacture, process or composition of matter, as such, it fails to fall within a statutory category. Thus, the claims are not limited to statutory subject matter and are therefore nonstatutory.

To overcome this type of 101 rejection, Examiner respectfully suggests Applicants to amend the claim to include computer readable storage media/medium to store computer instructions executable by a computer processor to perform the steps of (for example, the claim should be amended as "A computer program product, embedded on a computer-readable storage medium, includes program codes/instructions executable by a computer processor for processing a service request in a network data processing system, said computer program product comprising:").

Office Action dated September 28, 2007, p.3.

Claim 30 has been amended to recite: “A computer program product embedded on a computer-readable storage medium having computer usable program code, the computer program product comprising:” in the preamble of claim 30. During the telephone interview of December 19, 2007, the Examiner agreed that this amendment would overcome the rejection of claim 30 under 35 U.S.C. § 101. Therefore, the rejection of claim 30 under 35 U.S.C. § 101 has been overcome.

## II. 35 U.S.C. § 102, Anticipation

The Examiner has rejected claims 1-12, 16-26 and 28-30 under 35 U.S.C. § 102 as being anticipated by *Irifune et al.*, System and Method for Controlling Congestion in Networks, U.S. Patent Application Publication No. 2003/0112752 A1, published June 19, 2003 (hereinafter *Irifune*). This rejection is respectfully traversed.

Applicants first address this rejection with respect to claim 1. In rejecting claim 1, the Examiner states the following:

As to claim 1, **Irifune** teaches a network data processing system, comprising: a first processing unit, said first processing unit including a plurality of processing subunits (*a congestion controlling device 2 including a plurality of Web proxy servers 24-1 to 24-n*), each processing subunit of said plurality of processing subunits associated with a particular priority level of service of a plurality of priority levels of service (*each of the Web proxy servers relays the request to a device of an address described in the header of the data packet*) (**Irifune, paragraphs [0036-0037]**); and a plurality of second processing units (*contents servers 3-1 to 3-j*), each processing subunit of said plurality of processing subunits coupled to a corresponding second processing unit of said plurality of second processing units and operable to: responsive to a service request, convey said service request to said corresponding second processing unit in accordance with said associated priority level of service (*having received the header of a transmission/reception packet and a Web-contents acquiring request via the load distributing device 22, each of the Web proxy servers relays the request over to one of the contents servers 3-1 to 3-j*) (**Irifune, paragraphs [0036-0037] and [0047]**).

Office Action dated September 28, 2007, p.4-5.

A prior art reference anticipates the claimed invention under 35 U.S.C. § 102 only if every element of a claimed invention is identically shown in that single reference, arranged as they are in the claims. *In re Bond*, 910 F.2d 831, 832, 15 U.S.P.Q.2d 1566, 1567 (Fed. Cir. 1990). All limitations of the claimed invention must be considered when determining patentability. *In re Lowry*, 32 F.3d 1579, 1582, 32 U.S.P.Q.2d 1031, 1034 (Fed. Cir. 1994). Anticipation focuses on whether a claim reads on the product or process a prior art reference discloses, not on what the reference broadly teaches. *Kalman v. Kimberly-Clark Corp.*, 713 F.2d 760, 218 U.S.P.Q. 781 (Fed. Cir. 1983). In this case, each and every feature of the presently claimed invention is not identically shown in the cited reference, arranged as they are in the claims.

Amended claim 1 is as follows:

1. A network data processing system, comprising:
  - a first processing unit, said first processing unit proxy server including a plurality of processing subunits, each processing subunit of said plurality of processing subunits associated with a particular priority level of service of a plurality of priority levels of service, wherein said first processing unit is a proxy server; and
    - a plurality of second processing units, each processing subunit of said plurality of processing subunits coupled to a corresponding second processing unit of said plurality of second processing units and operable to:
      - responsive to the proxy server receiving a service request, convey said service request to said corresponding second processing unit in accordance with said associated priority level of service.

**II.A. *Irifune Fails to Disclose First Processing Unit, Said First Processing Unit Including a Plurality of Processing Subunits, Each Processing Subunit of Said Plurality of Processing Subunits Associated With a Particular Priority Level of Service of a Plurality of Priority Levels of Service, Wherein Said First Processing Unit is a Proxy Server***

*Irifune* fails to anticipate claim 1 because *Irifune* does not disclose the first step of claim 1.

*Irifune* is devoid of disclosure of the feature of each processing subunit of said plurality of processing subunits associated with a particular priority level of service of a plurality of priority levels of service.

In rejecting claim 1, the Examiner cites to *Irifune* at paragraphs [0036-0037], which states:

The data relaying device 21, which is referred to as, e.g., “a router,” is a relaying device for transmitting/receiving the data between the client terminals 1-1 to 1-i and the contents servers 3-1 to 3-j. Namely, the device 21 transfers a transmission/reception data packet to a device of an address described in the header of the data packet.

As described above, the load distributing device 22 is, for example, a device for distributing a processing for each of the requests from the plurality of client terminals 1-1 to 1-i into any one of the plurality of Web proxy servers 24-1 to 24-n so as to distribute the load imposed onto the relaying device 21. Having received the header of a transmission/reception packet and a Web-contents acquiring request via the load distributing device 22, each of the Web proxy servers relays the request over to any one of the contents servers 3-1 to 3-j. Moreover, each of the Web proxy servers relays the contents transferred from any one of the contents servers 3-1 to 3-j, thereby transmitting the contents to the client terminal of the request source via the load distributing device 22 and any one of the Web proxy servers.

The cited portion discloses a load distributing device that distributes requests from a plurality of client terminals to any one of the plurality of web proxy servers. *Irifune* discloses distributing requests to any of the available web proxy servers, rather than a particular processing subunit associated with a particular priority level of service. The address described in the header of the data packet transmitted to a device is merely for purposes of locating the correct content source. *Irifune* is only concerned with distributing requests over a plurality of web proxy servers. *Irifune* does not address a request being directed to a specific processing subunit of a proxy server, or a prioritization of requests based on priority levels of service associated with the processing subunits. In fact, *Irifune* does not even mention

processing subunits or priority levels of service at all. As can be seen above, *Irifune* does not teach or even mention “a first processing unit, said first processing unit proxy server including a plurality of processing subunits, each processing subunit of said plurality of processing subunits associated with a particular priority level of service of a plurality of priority levels of service, wherein said first processing unit is a proxy server.”

**II.B. *Irifune Fails to Disclose Responsive to the Proxy Server Receiving a Service Request, Convey Said Service Request to Said Corresponding Second Processing Unit in Accordance With Said Associated Priority Level of Service***

*Irifune* fails to anticipate claim 1, because *Irifune* does not disclose the feature of conveying a service request to a corresponding second processing unit in accordance with an associated priority level of service.

In rejecting claim 1, the Examiner cites to *Irifune* at paragraph [0047], which states:

On the other hand, if the contents have not hit the cache, at a step S20, the Web proxy server 24 to which the request has been distributed transmits the request to the contents server 3 of the request destination. At a step S21, the contents server 3 acquires the contents corresponding to the received request, then transmitting the contents to the client terminal 1. At this time, by way of Web proxy server 24 to which the request has been distributed, the transmitted contents are temporarily stored into the cache 240 associated therewith.

The cited portion discloses a contents server acquiring the contents corresponding to a request and transmitting the requested contents to a client terminal. *Irifune* teaches a temporary storage cache associated with a web proxy server that stores the transmitted contents for a brief time during transmission to the client terminal. *Irifune* discloses a congestion controlling system that regulates content requests by distributing requests among any available web proxy servers, and limiting the total amount of requests forwarded to the proxy server to a pre-defined threshold level.

*Irifune* states at paragraph [0044-0045]:

As illustrated in FIG. 4 and FIG. 5, if a client terminal 1 has transmitted at Web-contents acquiring request to a contents server 3, at a step S11, the request is sent to the load distributing device 22. At a step S12, the load distributing device 22 judges whether or not the above-described unprocessed requests number has exceeded a threshold value set in advance. Here, the unprocessed-requests refer to requests the corresponding contents to which have not been returned back to the client terminals 1-1 to 1-i although the requests had been already made from the client terminals 1-1 to 1-i.

In the judgment processing at the step S12, if the unprocessed-requests number has exceeded the threshold value set in advance (“Yes”), at a step S13, the load distributing device 22 transmits the request from the client terminal 1 to the request regulating device 23. At a step S14, the request regulating device 23 acquires, from the message creation processing unit 45 therein, a regulating message content illustrated in FIG. 8A and

saying, for example, “Because the line is jammed at present, please make the request after a while.” At a step S15, the request regulating device 23 creates regulating contents as illustrated in FIG. 8B, using the regulating message content. At a step S16, the request regulating device 23 transmits the regulating contents to the client terminal 1 via the load distributing device 22. Transmitting the regulating contents makes it possible to make the client suppress the request.

*Irifune* is wholly concerned with limiting requests in order to control congestion. As described in the cited portion, the system of *Irifune* is designed to suppress requests that are transmitted after the unprocessed-requests number has exceeded the threshold value set in advance. *Irifune* teaches a regulating device that will refuse to process a request if more than the pre-defined value of requests is waiting to be processed. *Irifune* is concerned with what occurs before a request reaches a proxy server. *Irifune* does not teach a prioritization of processing requests received by a proxy server. *Irifune* never addresses a plurality of processing subunits coupled to a corresponding second processing unit, where the corresponding second processing unit is associated with a priority level of service. *Irifune* is completely unconcerned with priority levels of service. In fact, *Irifune* does not mention here, or elsewhere, priority levels of service.

As can be seen above, *Irifune* does not teach or even mention the feature of “responsive to the proxy server receiving a service request, convey said service request to said corresponding second processing unit in accordance with said associated priority level of service.” Therefore, *Irifune* does not anticipate claim 1 and the rejection of claim 1 under 35 U.S.C. § 102 is overcome.

### **II.C. *Independent Claims 18 and 30***

Independent claims 18 and 30 recite similar features to those presented in claim 1. Therefore, claims 18 and 30 are distinguishable over *Irifune* for at least the reasons set forth above with regard to claim 1.

### **II.D. *Dependent Claims 2-12, 16-17, 19-26, and 28-29***

Claims 2-12, 16-17, 19-26, and 28-29 depend on independent claims 1 and 18. Therefore, at least by virtue of their dependence on claims 1 and 18, *Irifune* does not anticipate these claims. In addition, dependent claims 2-12, 16-17, 19-26, and 28-29 recite additional combinations of features not taught by the cited art.

For example, dependent claim 16 recites “wherein said association with said particular priority level of service comprises a global address of at least one of a document residing on a Web page and said second processing unit of said plurality of second processing units.” Dependent claim 16 discloses a priority level of service associated with a particular document and processing unit. As discussed above

with regard to claim 1, *Irifune* does not mention priority levels of service. Thus, *Irifune* fails to disclose the features of claim 16.

As shown above, *Irifune* fails to disclose all of the features as recited in claims 1-12, 16-26, and 28-30. Therefore, the rejection of claims 1-12, 16-26, and 28-30 under 35 U.S.C. § 102 has been overcome.

### **III. 35 U.S.C. § 103, Obviousness**

The Examiner has rejected claims 13-15 and 27 under 35 U.S.C. § 103 as being unpatentable over *Irifune* in view of *Schoeneberger et al., High Availability VOIP Subsystem*, U.S. Patent Application Publication No. 2004/0032862 A1, published February 19, 2004 (hereinafter *Schoeneberger*). This rejection is respectfully traversed.

The Examiner states:

As to claims 13-15, *Irifune* teaches a network data processing system of claim 1, but does not explicitly teach wherein said particular priority level or service comprises at least one of a high level of priority, a medium level of priority, and a low level of priority.

In an analogous art, **Schoeneberger** teaches in a multiple proxy servers environment, when a request comes in, a prioritized proxy server table is used for selecting proxy servers among a plurality proxy servers according to a priority scheme, wherein proxy servers that can respond more quickly are located/assigned at a higher level (*i.e., high level 1*), and proxy servers that will respond more slowly are designated at a lower level (*i.e., medium level 2 and low level 3*) (**Schoeneberger, Fig. 2, paragraphs [0049-0050]**).

Office Action dated September 28, 2007 at p.11.

The Examiner bears the burden of establishing a *prima facie* case of obviousness based on prior art when rejecting claims under 35 U.S.C. § 103. *In re Fritch*, 972 F.2d 1260, 23 U.S.P.Q.2d 1780 (Fed. Cir. 1992). The prior art reference (or references when combined) must teach or suggest all the claim limitations. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). In determining obviousness, the scope and content of the prior art are... determined; differences between the prior art and the claims at issue are... ascertained; and the level of ordinary skill in the pertinent art resolved. Against this background the obviousness or non-obviousness of the subject matter is determined. *Graham v. John Deere Co.*, 383 U.S. 1 (1966). Often, it will be necessary for a court to look to interrelated teachings of multiple patents; the effects of demands known to the design community or present in the marketplace; and the background knowledge possessed by a person having ordinary skill in the art, all in order to determine whether there was an apparent reason to combine the known elements in the fashion claimed by the patent at issue. *KSR Int'l. Co. v. Teleflex, Inc.*, No. 04-1350 (U.S. Apr. 30, 2007). Rejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness. *Id.*

(citing *In re Kahn*, 441 F.3d 977, 988 (CA Fed. 2006)). In this case, *Irifune* and *Schoeneberger* do not make the claimed invention obvious.

**III.A. *The Proposed Combination Does Not Teach or Suggest All of the Features of Claims 13-15***

Claims 13-15 are as follows:

13. The network data processing system of Claim 1, wherein said particular priority level of service comprises a high level of priority.

14. The network data processing system of Claim 1, wherein said particular priority level of service comprises a medium level of priority.

15. The network data processing system of Claim 1, wherein said particular priority level of service comprises a low priority of service.

Claims 13-15 depend from amended claim 1, shown above. Claim 27 recites similar subject matter as claims 13-15. The proposed combination of *Irifune* and *Schoeneberger*, considered as a whole, does not teach the claimed features of “a first processing unit, said first processing unit proxy server including a plurality of processing subunits, each processing subunit of said plurality of processing subunits associated with a particular priority level of service of a plurality of priority levels of service, wherein said first processing unit is a proxy server” and wherein the plurality of priority levels of service are comprised of a high, medium, and low priority of service.

In rejecting claims 13-15, the Examiner cites *Schoeneberger* at Figure 2 and paragraphs [0049-0050], which illustrate the following:

Proxy Server Priority Table

Proxy Address	Time Out	Level	Pointer
192.168.0.1	36 ms	1	N/A
192.168.0.2	36 ms	1	N/A
192.168.37.1	370 ms	2	N/A
192.168.25.1	800 ms	3	0
192.168.25.2	800 ms	3	1
192.168.25.3	800 ms	3	0
DEFAULT	--	--	--

302      304      306      308

Fig. 2

Referring first to **FIG. 1**, multiple proxy servers such as proxy server 112 can be placed in parallel. When a call comes in, the SIP stream can then be routed to all parallel proxy servers simultaneously. Disadvantages of a parallel approach, however, a lot of unnecessary parallel work occurs. Moreover, both the incoming SIP stream, and the responsive traffic generated by multiple proxy servers increases the amount of network traffic. **FIG. 2** illustrates a proxy server table 300 for selecting proxy servers among a plurality of proxy servers according to a priority scheme. As discussed in conjunction with **FIGS. 2 and 3**, when the gateway 108 in **FIG. 1** receives an incoming call, it seeks an operational proxy server according to the prioritization of servers listed in table 300 of **FIG. 2**. Within the proxy table 300 of **FIG. 2**, each proxy server is identified by an address in the proxy address field 302. The proxy address field 302 is shown for exemplary purposes only and the table 300 should not be construed as having the only possible set of proxy addresses. In conjunction with each proxy address 302, the table 300 comprises a time-out value 304. The time-out values 304 are illustrated in milliseconds. If the first proxy server (in this example 192.168.0.1) in the proxy server table 300 does not respond within 36 milliseconds, the gateway increments to the next level 306 one proxy server address 302, which is address 192.168.0.2. The time-out value 304 for proxy 192.168.0.2 is listed as 120 milliseconds. If proxy 192.168.0.2 does not respond to the SIP inquiry from the gateway 108 in the allotted time, the system then seeks a response from proxy 192.168.37.1, which is shown to be a level 2 priority in **FIG. 2**. According to this system of prioritization, the Contact Center 100 (**FIG. 1**) can insure that the most appropriate proxy server handles an incoming call. There are two level one proxy addresses in the proxy table 300 of **FIG. 2**.

Still referring to **FIGS. 1 and 2**, exemplary time-out values **304** are listed in the table **300** in correlation to their respective proxy servers, which are identified by address **302**. The first proxy server, address 192.168.0.1 and further identified as the proxy **112** of **FIG. 1** has a timeout value **304** of only thirty six milliseconds. According to the preferred embodiment, servers that can respond more quickly are located at a higher level in the level field **306**, and servers that will respond more slowly are designated at a lower level in the level field **306**, according to the level field **306** of table **300**. As illustrated in table **300**, in most applications of the present invention, proxy servers listed in the lower levels of the level field **306** will advantageously be assigned a longer time-out **304** period than the proxy servers listed at higher levels **306**. Embodiments are envisioned however wherein some higher level **306** proxy servers will be assigned longer time-out **304** periods than some lower level **306** proxy servers. Proxy servers of address 192.168.0.2 are “level 1” **306** proxy servers and are not distinguished by pointers **308**, the function of which is described in greater detail in conjunction with **FIG. 3**.

The cited portion discloses a priority scheme in which proxy servers are prioritized in accordance with the response speed for each proxy server. *Schoeneberger* discloses a proxy server table for selecting proxy servers among a plurality of proxy servers according to a priority scheme. When a gateway receives an incoming call, it seeks an operational proxy server according to the prioritization of servers listed in the table. The table comprises a time-out value for each proxy server. The prioritization of proxy servers by response speed incorporates corresponding timeout values for each proxy server based on the level the proxy server is assigned. *Schoeneberger* discloses a proxy server that can respond more quickly being located at a higher level in a level field, while a slower proxy server will be designated at a lower level in the level field. *Schoeneberger* provides an example of a proxy server that responds quickly being located at a higher level in the level field, with a short timeout value, for example, of thirty-six milliseconds. *Schoeneberger* discloses distributing requests as they are received to any available proxy server in a prioritized set of proxy servers, beginning with the highest level proxy server available. If the first proxy server does not respond within the assigned timeout value, the request is routed to the second proxy server, and so on until a proxy server responds within the assigned timeout value. The only prioritization *Schoeneberger* is concerned with is that of the response speed of proxy servers.

However, *Schoeneberger* does not teach or suggest a priority level of service, wherein requests are processed by a particular subunit of a proxy server according to a priority level of service rather than in the order the requests are received. Moreover, *Schoeneberger* does not teach or suggest a processing subunit associated with a particular priority level and coupled to a corresponding second processing unit, as is claimed in amended claim 1 from which dependent claims 13-15 depend. In the present invention, when a document request is destined for a particular second processing unit, the document request is handled by the processing subunit corresponding to the particular second processing unit, at the prioritization level associated with the processing subunit. *See Specification, p. 10, lines 3-25.* In other words, a document request with URLs destined for processing machine A will always be handled by the

processing subunit corresponding to processing machine A, at the priority level associated with that particular processing subunit. *Id.* Thus, in the present invention, the prioritization is specific to the processing unit for which a request is destined.

Thus, the proposed combination of *Irifune* and *Schoeneberger* fails to teach or suggest the feature of “said particular priority level of service” as is claimed in claims 13-15 and 27. Therefore, the Examiner has failed to state a *prima facie* case of obviousness against claims 13-15 and 27.

### **III.B. *Schoeneberger Teaches Away From the Presently Claimed Invention***

*Schoeneberger* teaches away from the presently claimed invention where *Schoeneberger* teaches sending a request to a given proxy server with the highest priority rather than sending a request to a processing subunit of the given proxy server. *Schoeneberger* further teaches away from the presently claimed invention where *Schoeneberger* teaches distributing requests as they are received to the highest level proxy server available, continuing down the list of proxy servers until a response is received. Such a method of prioritization and distribution leads away from prioritizing the service of each request based on the processing unit for which the request is destined. Thus, *Schoeneberger* teaches away from the presently claimed invention in claims 1, 13-15, and 27 where *Schoeneberger* fails to prioritize levels of service based on the processing unit for which the request is destined. Therefore, one of ordinary skill would not be motivated to modify *Irifune* in view of *Schoeneberger* to achieve the presently claimed invention, and the Examiner has failed to state a *prima facie* obviousness rejection against claims 13-15 and 27.

### **III.C. *The Proposed Combination Would Not Result in the Claimed Invention***

The proposed combination of *Irifune* and *Schoeneberger* would not result in the claimed invention. As discussed above, *Irifune* teaches directing a request to any available proxy server and suppressing requests after reaching a threshold level of unprocessed requests. *Schoeneberger* teaches sending a request to a given proxy server with the highest priority, where priority is based on response speed, rather than sending a request to a subunit of the given proxy server. Even if *Irifune* and *Schoeneberger* were combined, the resulting invention would teach sending a request to the first available proxy server with the highest priority based on response speed, and suppressing requests after the amount of unprocessed requests has reached a pre-determined level. The combination discloses what occurs before a proxy server receives a request. The resulting combination does not teach or suggest a processing subunit of a proxy server associated with a particular priority level of service corresponding to a second processing unit, conveying a request to the corresponding second processing unit in accordance

with the associated priority level of service. Therefore, the proposed combination does not reach the claimed invention and the rejection under 35 U.S.C. § 103 is overcome.

### **III.D. *The Examiner Fails to State a Sufficient Reason to Modify the Reference***

The Examiner bears the burden of establishing a *prima facie* case of obviousness based on prior art when rejecting claims under 35 U.S.C. § 103. *In re Fritch*, 972 F.2d 1260, 23 U.S.P.Q.2d 1780 (Fed. Cir. 1992). The scope and content of the prior art are... determined; differences between the prior art and the claims at issue are... ascertained; and the level of ordinary skill in the pertinent art resolved. Against this background the obviousness or non-obviousness of the subject matter is determined. *Graham v. John Deere Co.*, 383 U.S. 1 (1966). Often, it will be necessary for a court to look to interrelated teachings of multiple patents; the effects of demands known to the design community or present in the marketplace; and the background knowledge possessed by a person having ordinary skill in the art, all in order to determine whether there was an apparent reason to combine the known elements in the fashion claimed by the patent at issue. *KSR Int'l. Co. v. Teleflex, Inc.*, No. 04-1350 (U.S. Apr. 30, 2007). Rejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness. *Id.* (citing *In re Kahn*, 441 F.3d 977, 988 (CA Fed. 2006)).

In the case at hand, no *prima facie* obviousness rejection can be stated because the Examiner failed to state a sufficient reason to modify *Irifune* in view of *Schoeneberger* in light of the great differences between the cited art and claims 1, 13-15, and 27. Specifically, as shown above, *Irifune* in view of *Schoeneberger* fails to teach or suggest the feature of “priority levels of service.”

The Examiner failed to state a sufficient reason to modify *Irifune* in view of *Schoeneberger* because the Examiner’s proposed reason for modifying the cited art provides no rational underpinning to support a legal conclusion of obviousness. Regarding a reason to modify *Irifune*, the Examiner states that:

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the features of associating a plurality of proxy servers with a plurality of priority levels of service comprising at least one of a high, medium and low level of priority, as disclosed by **Schoeneberger**, into the teachings of *Irifune*. One would be motivated to do so to provide higher availability in servicing user requests by selecting proxy servers among a plurality of proxy servers according to a priority level of service, hence, to improve network traffic and user satisfactory.

Office Action dated September 28, 2007, page 12.

As discussed above, both *Irifune* and *Schoeneberger* fail to teach or suggest “a first processing unit including a plurality of processing subunits.” Further, both *Irifune* and *Schoeneberger* fail to teach or

suggest “priority levels of service.” *Schoeneberger* discloses priority levels of high, medium, and low in relation to the prioritization of response speeds for proxy servers. In particular, the Examiner does not provide any reason for modifying *Irifune* in view of *Schoeneberger* to provide higher availability in servicing user requests by selecting proxy servers among a plurality of proxy servers according to a priority level of service, hence, to improve network traffic and user satisfaction, where neither *Irifune* in view of *Schoeneberger* teach or suggest all the features of claims 1, 13-15, and 27. Thus, the Examiner’s reason for modifying *Irifune* in view of *Schoeneberger* provides an insufficient basis for modifying the teachings of the cited art in the manner necessary to reach each and every feature of claims 1, 13-15, and 27, especially in the light of the large differences that exist between *Irifune* in view of *Schoeneberger* and claims 1, 13-15 and 27.

For these reasons, the rejection of obviousness vis-à-vis claims 13-15 and 27 has been overcome.

#### **IV. Conclusion**

It is respectfully urged that the subject application is patentable over *Irifune* in view of *Schoeneberger* and is now in condition for allowance.

The Examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the Examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

DATE: December 27, 2007

Respectfully submitted,

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